



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2013-12

Legistar #: 20130224

Board of Zoning Appeals Hearing: Monday, March 25, 2013 – 6:00 p.m.

Petitioner/Agent: Ronald B. Phillips, Trustee Chairman
Grace Pointe Marietta Baptist Church
356 Awtrey Street
Marietta, GA 30064

Property Owner: Grace Pointe Marietta Baptist Church
505 Atlanta Street
Marietta, GA 30060

Address: 505 Atlanta Street

Land Lot: 02880 District: 17 Parcel: 0520

Council Ward: 3 Existing Zoning: OI (Office Institutional)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce required 5 acre minimum to 2.6 acres for a school, college, and university. [Section 708.23(B.20)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES





Recommended Action:

Approval. Ronald B. Phillips, petitioner for the owners, GracePointe Marietta Baptist Church, is requesting a variance to waive the 5 acre minimum for an elementary school. The parcel of property known as 505 Atlanta Street, is 2.6 acres and is zoned OI (Office Institutional). The subject property is located along Atlanta Street at the corner of East Dixie Avenue, which is the entrance to a historic residential neighborhood. Along Atlanta Street, the church is located within a block that is zoned OI (Office Institutional) and LI (Light Industrial). The west side of Atlanta Street are the CSX railroad tracts.

City records do not indicate when the church was established, however, the property was rezoned from LI, Light Industrial to OI, Office Institutional, on September 8, 2004, in order to comply with current zoning regulations. The church was increasing the size of the parking lot at the time, and had to seek rezoning in order to expand.

According to the City Code, schools, colleges and universities are required to have a minimum 5 acre lot. Therefore, the petitioner is requesting a variance to operate an elementary school on the 2.6 acre parcel of church property.

According to Mr. Phillips, the school that is looking to locate to the subject property is Atlanta Classic Christian Academy, an established and accredited school that is currently operating out of Cumberland Church in Smyrna. The school is looking to relocate because the church is expanding, and they will no longer have room for the school. Mr. Phillips stated that the school has operated out of the Cumberland Church location for approximately 5 years.

Anticipated enrollment is 80 to 100 students, from first to eighth grades. The school will be open Monday through Friday from 7:30 a.m. until dismissal at 3:30 p.m. the school will be closed during the summer. Mr. Phillips also stated that all food will be catered or brought in, and no cooking will take place at the subject property for the school. Transportation of students to and from the school will be provided by carpooling in private vehicles – the school will not provide bus service.

According to the traffic and parking standards and the submitted site plan for the school, the subject property has adequate parking for the operation of the school. In addition, the City Engineer has recommended that any “cue” for school drop off and/or pick up must be performed on East Dixie Avenue and not on Atlanta Street. The school will also have to ensure that traffic on East Dixie Avenue will still be able to negotiate the road as much as possible. If there is a need due to congestion or confusion during drop off/pick up times, the school may need to have traffic control (police) on site.

Also, the Department of Public Works wanted to make the church and school aware of that fact that this corridor is to be the location of a trail project in the future, and there may be a need for additional right of way and/or easements along East Dixie Avenue.



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The request use the property as a school for 80 to 100 students is not expected to have an adverse impact on the surrounding community, and the proposed school use would be consistent with the principle use. *As such, Staff recommends approval of this variance request with the following stipulations:*

- 1. The school will have a maximum of 100 students.*
- 2. Any “cue” for school drop off and/or pick up must be performed on East Dixie Avenue and not on Atlanta Street. The school will also have to ensure that traffic on East Dixie Avenue will still be able to negotiate the road as much as possible. If there is a need due to congestion or confusion during drop off/pick up times, the school may need to have traffic control (police) on site.*
- 3. Any request to expand the church building or parking lot will require approval from the Board of Zoning Appeals.*